

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

USA	§	
	§	
vs.	§	NO:
	§	SA:15-CR-00820(1,2,3,4)-DAE
(1) John Xavier Portillo	§	
(2) Jeffrey Fay Pike	§	
(3) Justin Cole Forster	§	
(4) Frederick Cortez	§	

ORDER CONTINUING TRIAL DATE
AND EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT

Before the Court are Defendants John Portillo (1) and Frederick Cortez's (4) motions to continue the Ellis Deadline and the trial of this case, citing additional time is required to review the lengthy discovery and allow time to complete evaluation of the merits of the case and any defenses thereto. In addition, the Court designated this matter as a complex case on March 16, 2016. There being no severance granted in this cause of action, the Court further finds that defendants Jeffrey Fay Pike (2) and Justin Cole Forster (3) shall proceed to trial with their co-defendants. The Government is unopposed to the requests for a continuance and all parties have agreed to a trial date after April 2017. For the reasons stated, the Court finds the motions (Dkt no. 133 and 134) to be well taken and are GRANTED.

IT IS THEREFORE ORDERED THAT trial of this case, currently set for Monday, October 11, 2016, be and hereby is continued.

The deadline for notifying the court of any **plea agreement** entered into by the parties in this cause is **Friday, June 09, 2017**. No plea

agreement entered into after that date shall be honored by this Court without good cause shown for the delay.

Should a plea agreement be reached and filed in this case absent written objection filed contemporaneously therewith, this case will be referred to a United States Magistrate Judge for the purpose of administering the plea of guilty and the Fed. R. Crim. P. 11 allocution, subject to final approval and the imposition of sentence by the United States District Court.

Pretrial Conference is reset for **June 21, 2017 at 10:00 AM** in Courtroom 5 of the John H. Wood, Jr., United States Courthouse, 655 E. Cesar Chavez Boulevard, San Antonio, Texas. **Motions in limine due June 12, 2017, responses due June 14, 2017.** No pretrial motions will be accepted by the court after said deadlines, without showing good cause for the delay.

Jury selection and trial are reset for **August 07, 2017 at 09:00 AM** in Courtroom 5 of the John H. Wood, Jr., United States Courthouse, 655 E. Cesar Chavez Boulevard, San Antonio, Texas.

The Court finds that the period between **October 11, 2016**, and **August 07, 2017**, is a reasonable period of necessary delay to allow counsel to negotiate a plea; and/or to review discovery and the record to date, and to prepare for trial. The Court finds that the interest of justice served by taking such action outweighs the best interest of the public and the defendant in a speedy trial, and further finds that such period shall be excluded from the time within which the defendant must be brought to trial under the Speedy Trial Act pursuant to 18, United States Code, Section 3161(h)(7).

Pretrial Submissions

The Court **ORDERS** all parties to serve and file the following information by the close of business **Monday, July 31, 2017**:

(1) A list of questions the party desires the court to ask prospective jurors.

(2) A list of stipulated facts.

(3) An appropriate identification of each exhibit as specified in this rule (except those to be used for impeachment only), separately identifying those that the party expects to offer and those that the party may offer if the need arises.

(4) The name and, if not previously provided, the address and telephone number of each witness (except those to be used for impeachment only), separately identifying those whom the party expects to present and those whom the party may call if the need arises.

(5) The name of those witnesses whose testimony is expected to be presented by means of a deposition and designation by reference to page and line of the testimony to be offered (except those to be used for impeachment only) and, if not taken stenographically, a transcript of the pertinent portions of the deposition testimony.

(6) Proposed jury instructions and verdict forms. The parties are **ORDERED** to meet and confer and submit a joint proposed set of jury instructions. Any jury instructions to which both parties do not agree must be submitted separately with appropriate citations to the law supporting those instructions. Joint jury instructions shall be submitted in complete format as they would appear when submitted to the jury. The joint jury instructions shall also be emailed in a Word document to Tiffany Ramaekers, Courtroom Deputy for Judge

David Alan Ezra, at tiffany_ramaekers@txwd.uscourts.gov.

(7) An estimate of the probable length of trial.

Objections to Pretrial Submissions


The Court also **ORDERS** both parties to serve and file the following information by close of business on **Wednesday, August 02, 2017**:

(1) A list disclosing any objections to the use under Rule 32(a) of deposition testimony designated by the other party.

(2) A list disclosing any objection, together with the grounds therefore, that may be made to the admissibility of any exhibits. Objections not so disclosed, other than objections under Federal Rules of Evidence 402 and 403 shall be deemed waived unless excused by the court for good cause shown.

IT IS SO ORDERED.

DATED: San Antonio, Texas, August 11, 2016.



DAVID A. EZRA
SENIOR U.S. DISTRICT JUDGE